Office Supreme Court U.S.
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JAMES H. McKENNEY,
Clerk.

No. 201.

Brf. of Wilbur for Pl. in Err.

Term No. 201. Gen. No. 17,639.

Filed Jan. 21, 1901.

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,
vs.
WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to the Supreme Court of Illinois.

MOTION AND PETITION TO POSTPONE PREPARATION OF CAUSE FOR HEARING.

GEORGE W. WILBUR.
COUNSEL FOR PLAINTIFFS IN ERROR.

The Gunthorp-Warren Printing Company, 53 Dearborn St., Chicago.

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al., *Plaintiffs in Error,*	Error to the Supreme Court of Illinois.
vs.	
WEST CHICAGO PARK COMMISSIONERS, *Defendants in Error.*	

MOTION.

Now on this day come the above named plaintiffs in error, by George W. Wilbur, their counsel, and move the court to enter an order herein postponing the time for printing the record and for the preparation of said cause for hearing until after the disposition of *E. A. Cummings et al. v. West Chicago Park Commissioners*, being No. 160 of the October Calendar of this court. The principal grounds for this motion are that said two causes involve substantially the same issues, while *Cummings et al.* has a precedence on said calendar.

In support of said motion plaintiffs in error, by their counsel, present the verified petition of James L. Monaghan, with proof of service of notice of motion, together with service of copies of petition and motion upon counsel for defendants in error.

Respectfully submitted.

GEO. W. WILBUR,
Counsel for Plaintiffs in Error.

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IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al., *Plaintiffs in Error,* vs. WEST CHICAGO PARK COMMISSIONERS, *Defendants in Error.*	Error to the Supreme Court of Illinois.

PETITION.

To the Honorable the Judges of the Supreme Court of the United States:

Your petitioner, James L. Monaghan, respectfully represents that he is one of the above named plaintiffs in error, and that he makes the following petition on behalf of all of said plaintiffs in error.

Your petitioner further represents that said cause was decided in the Supreme Court of the State of Illinois on October 13, 1899, in favor of the defendants in error, and that a rehearing thereof was denied the plaintiffs in error on December 7, 1899 (*Farrell et al.* v. *West Chicago Park Commissioners*, 182 Ill., 250); that said opinion, in its essential particulars, is based upon the decision of the Supreme Court of the State of Illinois rendered on October 13, 1899, in *E. A. Cummings*

et al. v. *West Chicago Park Commissioners*, 181 Ill., 136.

Your petitioner further represents that the subject matter of each of said causes is the same special assessment levied by the West Chicago Park Commissioners for the purpose of obtaining the cost of improving Douglas boulevard. Two separate appeals were taken from the judgment of confirmation entered in the County Court of Cook County, Illinois, to the Supreme Court of the State of Illinois, which appeals are entitled, respectively, as above. The Supreme Court of the State of Illinois, in each instance, upon a rehearing which was granted to the West Chicago Park Commissioners, affirmed the judgment of confirmation so entered by the County Court of Cook County. Separate writs of error were sued out of the Supreme Court of the United States to the Supreme Court of the State of Illinois, in each of said causes, and such writs are now pending and undetermined in this Honorable Court and are entitled, respectively, *E. A. Cummings et al.* v. *West Chicago Park Commissioners*, calendar No. 160, and *Farrell et al.* v. *Same*, calendar No. 201.

Your petitioner further represents that he is informed and believes that the case of *Cummings et al.* v. *West Chicago Park Commissioners* will be reached for disposition and argument during the latter part of the present month, or shortly thereafter, and prior to the time when the *Farrell* case should be reached. Your petitioner further states that he verily believes that the conclusions arrived at by your Honorable Court in the *Cummings* case will be decisive of the issues involved in the *Farrell* case, as the records in each are the same, except as to certain matters of evidence.

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Your petitioner further represents that the record in the *Farrell* case is quite voluminous, and that it has not as yet been printed, although the clerk of this court has notified counsel for plaintiffs in error in regard thereto.

Your petitioner further states that he verily believes the preparation and presentation of the *Farrell* case for hearing at the present time, will impose upon your Honorable Court a large amount of labor which may be avoided, for the reasons above stated, and it will also necessitate the expenditure of a considerable amount of money by the plaintiffs in error, which, possibly, may be saved to them.

Your petitioner, therefore, respectfully asks that the printing of the record and the presentation of *Farrell et al.* v. *West Chicago Park Commissioners* may be postponed, by the order and direction of your Honorable Court, until after the disposition of *Cummings et al.* v. *West Chicago Park Commissioners.*

All of which is respectfully submitted.

JAMES L. MONAGHAN.

GEO. W. WILBUR.
Counsel for Plaintiffs in Error.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

JAMES L. MONAGHAN, being first duly sworn, on oath deposes and says that he is one of the plaintiffs in error in the cause hereinabove firstly entitled, and that he has read and subscribed the foregoing petition; that he knows the contents thereof, and that the same is true in substance and in fact as he verily believes.

JAMES L. MONAGHAN.

Subscribed and sworn to before me this 18th day of January, 1901.

PHILIP KNOPF,

[SEAL.] *County Clerk, Cook County, Illinois.*

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